

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

CHESAPEAKE EXPLORATION, L.L.C.,

Reorganized Debtor.

Chapter 11

Case No. 20-33239 (DRJ)

(Formerly Jointly Administered under
Lead Case Chesapeake Energy
Corporation, Case No. 23-33233)

Re: Docket No. 347

NOTICE OF APPEAL

Pursuant to Bankruptcy Rule 8003, the MEC Class Plaintiffs (identified in Part 1 below) respectfully submit this Notice of Appeal.

Part 1: Identify the appellants

The appellants are the MEC Class Plaintiffs. The MEC Class refers to a class of lessors in Pennsylvania whose leases included a “Market Enhancement Clause” (MEC), and who entered into a class settlement with the debtor in March 2023. The class representatives who signed that settlement are James P. Burger, Jr., Barbara H. Burger, Donald G. Fuller, Karen M. Fuller, Randy K. Hemerly, Linda J. Schlick, and Janet C. Young.

Part 2: Identify the subject of this appeal

This appeal is from the Bankruptcy Court’s Order granting the Reorganized Debtor’s Motion for an Order: (i) Enforcing the Confirmation Order and Plan Against the Reorganized Debtors, and (ii) Declaring the MEC Settlement and the Non-MEC Settlement Null and Void, entered on August 31, 2023 (Dkt. 347). A copy of the Order is attached hereto as Exhibit A.

Part 3: Identify the other parties to the appeal

The debtors are the other parties to the appeal.

Appellants' Attorneys:

Daniel E. Seltz (*pro hac vice*)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
dseltz@lchb.com

Larry D. Moffett (*pro hac vice*)
LAW OFFICE OF LARRY D. MOFFETT, PLLC
P.O. Box 1418
39 County Road 231
Oxford, MS 38655
Telephone: (662) 298-4435
Cell: (662) 801-3670
larry@larrymoffett.com

Michelle R. O'Brien
THE O'BRIEN LAW GROUP LLC
72 Glenmaura National Blvd., Suite 100
Moosic, PA 18507
Telephone: (570) 209-7901
Facsimile: (570) 309-0147
mobrien@theobrienlawgroup.com

Charles J. LaDuca
CUNEO GILBERT & LADUCA, LLP
8120 Woodmont Avenue, Suite 810
Bethesda, MD 20814
Telephone: (202) 789-3960
Facsimile: (202) 789-1813
charles@cuneolaw.com

John W. ("Don") Barrett
BARRETT LAW GROUP
Post Office Drawer 927
Lexington, MS 39095
Telephone: (662) 834-2488
Facsimile: (662) 834-2628
dbarrett@barrettlawgroup.com

Charles E. Schaffer
LEVIN, SEDRAN & BERMAN
510 Walnut Street, Suite 500

Philadelphia, PA 19106
Telephone: (215) 592-1500
Facsimile: (215) 592-4663
CSchaffer@lfsblaw.com

Appellees' Attorneys:

Matthew D. Cavanaugh (TX Bar No. 24062656)
Kristhy M. Peguero (TX Bar No. 24102776)
J. Machir Stull (TX Bar No. 24070697)
JACKSON WALKER L.L.P.
1401 McKinney Street, Suite 1900
Houston, Texas 77010
Telephone: (713) 752-4200
Facsimile: (713) 752-4221
mcavanaugh@jw.com
kpeguero@jw.com

Daniel T. Donovan, Esq.
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 389-5174
Email: daniel.donovan@kirkland.com

Patrick J. Nash, Jr., P.C. (admitted pro hac vice)
Alexandra Schwarzman (admitted pro hac vice)
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: patrick.nash@kirkland.com
marc.kieselstein@kirkland.com
alexandra.schwarzman@kirkland.co

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

Not applicable.

Respectfully submitted,

Dated: September 14, 2023

/s/ Daniel E. Seltz
Daniel E. Seltz (*pro hac vice*)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
dseltz@lchb.com

Larry D. Moffett (*pro hac vice*)
LAW OFFICE OF LARRY D. MOFFETT, PLLC
P.O. Box 1418
39 County Road 231
Oxford, MS 38655
Telephone: (662) 298-4435
Cell: (662) 801-3670
larry@larrymoffett.com

Michelle R. O'Brien
THE O'BRIEN LAW GROUP LLC
72 Glenmaura National Blvd., Suite 100
Moosic, PA 18507
Telephone: (570) 209-7901
Facsimile: (570) 309-0147
mobrien@theobrienlawgroup.com

Charles J. LaDuca
CUNEO GILBERT & LADUCA, LLP
8120 Woodmont Avenue, Suite 810
Bethesda, MD 20814
Telephone: (202) 789-3960
Facsimile: (202) 789-1813
charles@cuneolaw.com

John W. ("Don") Barrett
BARRETT LAW GROUP
Post Office Drawer 927
Lexington, MS 39095
Telephone: (662) 834-2488
Facsimile: (662) 834-2628
dbarrett@barrettlawgroup.com

Charles E. Schaffer
LEVIN, SEDRAN & BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Telephone: (215) 592-1500
Facsimile: (215) 592-4663
CSchaffer@lfsblaw.com

Counsel for MEC Class

CERTIFICATE OF SERVICE

I certify that I have caused to be served a true and correct copy of the foregoing on
counsel of record via electronic case filing.

Executed on this the 14th day of September, 2023.

/s/ Daniel E. Seltz

Daniel E. Seltz

EXHIBIT A

ENTERED

August 31, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

CHESAPEAKE EXPLORATION, L.L.C.,¹

Reorganized Debtor.

§

§

§

§

§

§

§

§

§

§

Chapter 11

Case No. 20-33239 (DRJ)

(Formerly Jointly Administered under
Lead Case Chesapeake Energy
Corporation, Case No. 23-33233)**Re: Docket No. 322****ORDER (I) ENFORCING THE CONFIRMATION ORDER AND PLAN AGAINST THE
REORGANIZED DEBTORS; AND (II) DECLARING THE MEC SETTLEMENT AND
THE NON-MEC SETTLEMENT NULL AND VOID**

Upon the motion (the “Motion”)² of the above-captioned reorganized debtors (collectively, the “Reorganized Debtors”) for entry of an order (this “Order”), (a) enforcing the Confirmation Order and Plan with respect to the continued prosecution by the plaintiffs in the Pennsylvania Royalty Cases of any pre-Effective Date claims against the Reorganized Debtors; and (b) declaring that the MEC Settlement and the Non-MEC Settlement are null and void, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Reorganized

¹ A complete list of each of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <https://dm.epiq11.com/chesapeake>. The location of Reorganized Debtor Chesapeake Energy Corporation’s principal place of business and the Reorganized Debtors’ service address in these chapter 11 cases is 6100 North Western Avenue, Oklahoma City, Oklahoma 73118.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Reorganized Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. Pursuant to the confirmed plan and the Court's Confirmation Order, all persons are prohibited from commencing or continuing in any manner any action or other proceeding of any kind on account of or in connection with or with respect to any claim against any of the Debtors and/or the Reorganized Debtors that arose prior to the Effective Date of the confirmed plan. Any such pending claims shall be dismissed with prejudice with 14 days. Nothing herein shall affect any person's rights to seek lawful discovery from the Debtors and Reorganized Debtors.
2. The MEC Settlement and the Non-MEC Settlement are null and void.
3. Notice of the Motion shall be deemed good and sufficient notice and the requirements of Federal Rules of Bankruptcy Procedure and the Bankruptcy Local Rules are satisfied by such notice.
4. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order.
5. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: August 31, 2023.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE